
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the control of carriage, loading, unloading and storage of dangerous substances in harbours and harbour areas. The Regulations are divided into 9 parts.

Part I (Interpretation and application — regulations 1 to 5)

In addition to defining the terms used, the Regulations are applied to harbours and harbour areas in Northern Ireland and to those parts of harbour areas which are within the territorial waters adjacent to Northern Ireland.

Part II (Entry of dangerous substances into harbour areas — regulations 6 and 7)

A person who intends to bring a dangerous substance into a harbour or harbour area, either from inland or from the sea, is required to give the harbour master advance notice of his intention. The harbour master is empowered to prohibit or regulate the entry of a dangerous substance into the harbour area, or require the removal of a dangerous substance from the harbour area if in his opinion the condition of the dangerous substance, its container or of the vehicle or vessel carrying it, is such as to create a risk to health or safety.

Part III (Marking and navigation of vessels — regulations 8 to 15)

Vessels carrying certain dangerous substances are required to show a red flag during the daytime and, when moored or anchored, a red light at night. The regulations also make provision for the marking of barges and for the navigation of vessels carrying dangerous substances within the harbour or harbour area.

Part IV (Handling of dangerous substances — regulations 16 to 18)

The regulations in this Part impose duties on every person who handles a dangerous substance in a harbour or harbour area to do so safely and to take all necessary precautions to avoid fire or explosion. These regulations also impose duties upon employers, self-employed persons and berth operators to ensure that persons handling dangerous substances are properly trained.

Part V (Liquid dangerous substances in bulk — regulations 19 to 22)

The regulations in this Part impose duties relating to the carriage, loading and unloading of dangerous substances in bulk. They require that vessels so used are suitable and that suitable safety precautions are taken. They also require that permission is obtained from the harbour master and, where the vessel is at a berth, the berth operator before certain specified activities are carried out.

Part VI (Packaging and Labelling — regulations 23 to 25)

The regulations in this Part require freight containers from inland containing dangerous substances to be accompanied by a certificate certifying that they have been properly packed and require precautions to be taken so that all freight containers can be unloaded safely. Portable tanks and

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receptacles from inland containing dangerous substances are required to be suitable for the purpose and to be labelled in accordance with relevant international transport rules or domestic legislation.

Part VII (Emergency arrangements and untoward incidents — regulations 26

to 28) These regulations require each harbour authority which handles dangerous substances in its harbour area to prepare an emergency plan for dealing with emergencies involving those dangerous substances. Berth operators are also required to take safety precautions when a vessel carrying, loading or unloading dangerous substances is at the berth. Duties are imposed on masters of vessels and berth operators to notify any untoward incident involving a dangerous substance which might create a risk of serious personal injury to persons within the harbour or harbour area.

Part VIII (Storage of dangerous substances — regulations 29 to 32)

The regulations in this Part apply to the storage of dangerous substances in harbour areas ancillary to their being loaded onto or unloaded from a vessel. The operator of any storage tank to which this Part applies, which is used for such purposes is required to consult the Fire Authority for Northern Ireland and to take appropriate safety precautions. The regulations also impose requirements to ensure the safe storage of such substances in freight containers, portable tanks and receptacles and to ensure the safe parking of vehicles containing dangerous substances.

Part IX (Miscellaneous and general — regulations 33 to 37)

These regulations empower district councils which are harbour authorities to make by-laws relating to dangerous substances. The procedure for making bye-laws is set out in Schedule 6. Bye-laws must be confirmed by the Department of the Environment.

The Regulations provide that the harbour authority shall be the enforcing authority for certain of the Regulations which relate to operations within the harbour area (namely Parts II and III of the Regulations and regulations 19.20 and 32(2)) and that the Department of Economic Development shall be the enforcing authority for the remaining regulations.

The Regulations also provide for a defence in the case of contraventions of certain of the regulations and of bye-laws made under them and for exemptions to be granted.

The Regulations repeal the provisions mentioned in regulation 37(1) and the bye-laws made under them.

The Regulations and bye-laws mentioned in regulation 37(2) and in Part II of Schedule 7 are repealed to the extent mentioned in regulation 37(2).

A person who contravenes the Regulations is guilty of an offence under Article 3 1 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding &2,000, or on conviction on indictment, to a fine.

Relevant documents

Copies of relevant documents may be obtained as follows—

<i>Regulation</i>	<i>Document Quoted</i>	<i>Published by</i>	<i>Available from</i>
2(1)	International Convention for Safe Containers—ISBN 0-10-153760-3	HMSO	HMSO

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<i>Regulation</i>	<i>Document Quoted</i>	<i>Published by</i>	<i>Available from</i>
2(1)	International Maritime Dangerous Goods Code—ISBN 92-8011243-0	International Maritime Organisation (IMO)	IMO 4 Albert Embankment London SE1 7SR
2(1) Schedule 3 Schedule 5	Transport of Dangerous Goods-Recommendations of the Committee of Experts on the Transport of Dangerous Goods ISBN 92-1-139033-8	United Nations	HMSO
19(1)	Code for the construction and equipment of ships carrying dangerous chemicals in bulk—ISBN 92-8011182-5	IMO	IMO
19(1)	Code for the construction and equipment of ships carrying liquefied gases in bulk—ISBN 92-801-1165-5	IMO	IMO
19(1)	Code for existing ships carrying liquefied gases in bulk—ISBN 92-80 1-105 1-9 plus supplement—ISBN 92-801-1101-9	IMO	IMO
19(1)	International code for the construction and equipment of ships carrying dangerous chemicals in bulk (IBC) — 1990 Edition	IMO	IMO
19(1)	International code for the construction and equipment of ships carrying liquefied gases in bulk (IGC)—ISBN 92-8011163-9	IMO	IMO
25(1) Schedule 1	Regulations for the Safe Transport of Radioactive Materials ISBN 92-O 123185-7	International Atomic Energy Agency	HMSO

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<i>Regulation</i>	<i>Document Quoted</i>	<i>Published by</i>	<i>Available from</i>
25(1)	Technical Instructions for the Safe Transport of Dangerous Goods by Air and Supplement—ISBN 0-940394-28-6	Council of the International Council Aviation Organisation (ICAO)	International Aeradio Ltd. Aeradio House, Hayes Road, Southall, Middlesex, UB2 5NG
25(1)	European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)—ISBN 0-11-550901-1	Department of Transport	HMSO
25(1)	Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)—ISBN 0 11-550915-5	Department of Transport	HMSO
Schedule 5	British Standard-BS Specification 38 1C 1980	British Standards Institution (BSI)	BSI, Linford Wood, Milton Keynes, MK14 6LE